

#3



PATENT
Docket No. 346392001500

DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMPOSITIONS AND METHODS FOR THE PREVENTION AND TREATMENT OF TISSUE ISCHEMIA, the specification of which is attached hereto unless the following box is checked:

☒ was filed on December 14, 2001 as United States Application Serial No. 10/017,717.

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/256,269	December 15, 2000
60/296,581	June 6, 2001
60/296,580	June 6, 2001
60/343,575	October 19, 2001

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of

35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2/15/02
Date

Guy Michael MILLER
Name: Guy Michael MILLER
Residence: 130 E. San Fernando Street, PH-12, San Jose, California 95112
Citizenship: United States of America
Post Office Address: 130 E. San Fernando Street, PH-12, San Jose, California 95112

2-15-02
Date

Lesley A. BROWN
Name: Lesley A. BROWN
Residence: 760 N. 7th Street, #2204, San Jose, California 95112
Citizenship: United Kingdom
Post Office Address: 760 N. 7th Street, #2204, San Jose, California 95112

2-15-02
Date

Ughetta DEL BALZO
Name: Ughetta DEL BALZO
Residence: 15720 La Tierra Drive, Morgan Hill, California 95037
Citizenship: Italy
Post Office Address: 15720 La Tierra Drive, Morgan Hill, California 95037

2-15-02
Date

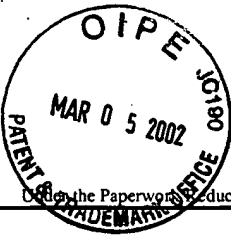
Stephen FLAIM
Name: Stephen FLAIM
Residence: 4455 Foxhollow Court, San Diego, California 92130
Citizenship: United States of America
Post Office Address: 4455 Foxhollow Court, San Diego, California 92130

2/15/02
Date

Sekhar BODDUPALLE
Name: Sekhar BODDUPALLE
Residence: 6237 Cahalan Avenue, San Jose, California 95123
Citizenship: India
Post Office Address: 6237 Cahalan Avenue, San Jose, California 95123

2/15/02
Date

Bing WANG
Name: Bing WANG
Residence: 10042 Byrne Avenue, Cupertino, California 95014
Citizenship: United States of America
Post Office Address: 10042 Byrne Avenue, Cupertino, California 95014

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Guy M. MILLER et al.

Application No./Patent No.: 10/017,717

Filed/Issue Date: December 14, 2001

Entitled: COMPOSITIONS AND METHODS FOR THE PREVENTION AND TREATMENT OF TISSUE ISCHEMIA

Galileo Laboratories, Inc.,

a

corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

2/15/02
Date

Guy Miller
Name

[Signature]
Signature

CEO
Title

**ASSIGNMENT
JOINT****COPY**

THIS ASSIGNMENT, by Guy Michael MILLER; Lesley A. BROWN; Ughetta DEL BALZO; Stephen FLAIM; Sekhar BODDUPALLI and Bing WANG (hereinafter referred to as the assignors), residing at 130 E. San Fernando Street, PH-12, San Jose, California 95112; 760 N. 7th Street, #2204, San Jose, California 95112; 15720 La Tierra Drive, Morgan Hill, California 95037; 4455 Foxhollow Court, San Diego, California 92130; 6237 Cahalan Avenue, San Jose, California 95123 and 10042 Byrne Avenue, Cupertino, California 95014, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in COMPOSITIONS AND METHODS FOR THE PREVENTION AND TREATMENT OF TISSUE ISCHEMIA, set forth in an application for Letters Patent of the United States, having an oath or declaration executed on even date herewith; bearing Serial No. 10/017,717 and filed on December 14, 2001; and

WHEREAS, Galileo Laboratories, Inc., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 5301 Patrick Henry Drive, Santa Clara, California 95054 is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:


NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

COPY


(Signature)  Date 2/15/02
Name: **Guy Michael MILLER**

STATE OF)
) ss.
COUNTY OF)

BEFORE ME, the undersigned authority, on this ___ day of _____, 2002, personally appeared Guy Michael MILLER known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

please see attached certificate

Notary Public
My Commission Expires:


[seal] (Signature)  Date 2-15-02
Name: **Lesley A. BROWN**

STATE OF)
) ss.
COUNTY OF)

BEFORE ME, the undersigned authority, on this ___ day of _____, 2002, personally appeared Lesley A. BROWN known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

please see attached certificate

Notary Public
My Commission Expires:

[seal] (Signature)  Date 2-15-02
Name: **Ughetta DEL BALZO**

STATE OF)
) ss.
COUNTY OF)

BEFORE ME, the undersigned authority, on this ___ day of _____, 2002, personally appeared Ughetta DEL BALZO known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

please see attached certificate

Notary Public
My Commission Expires:

[seal]

(Signature) *Stephen FLAIM*
 Name: **Stephen FLAIM**

Date 2-15-02

COPY

STATE OF _____)
) ss.
 COUNTY OF _____)

BEFORE ME, the undersigned authority, on this ____ day of _____, 2002, personally appeared Stephen FLAIM known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

please see attached certificate

[seal] *Sekhar BODDUPALLI*
 (Signature) _____
 Name: **Sekhar BODDUPALLI**

Notary Public
 My Commission Expires:

Date 2/15/02

STATE OF _____)
) ss.
 COUNTY OF _____)

BEFORE ME, the undersigned authority, on this ____ day of _____, 2002, personally appeared Sekhar BODDUPALLI known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

please see attached certificate

[seal] *Bing WANG*
 (Signature) _____
 Name: **Bing WANG**

Notary Public
 My Commission Expires:

Date 2/15/02

STATE OF _____)
) ss.
 COUNTY OF _____)

BEFORE ME, the undersigned authority, on this ____ day of _____, 2002, personally appeared Bing WANG known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

[seal] *please see attached certificate*

Notary Public
 My Commission Expires:

COPY

CALIF RNIA ALL-PURP SE ACKNOWLEDGMENT

State of California

County of

Santa Clara

SS.

On February 15, 2002, before me, Tammy L. Larson, Notary Public

Date

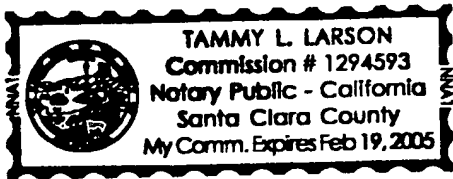
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Guy Miller

Name(s) of Signer(s)

- ☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Tammy L. Larson

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Santa Clara

} ss.

On February 15, 2002, before me, Tammy L. Larson, Notary Public

Date

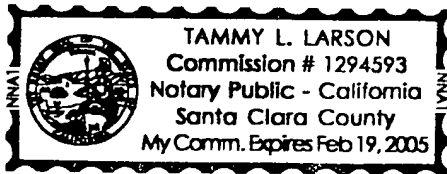
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

Personally appeared

Lesley Ann Brown

Name(s) of Signer(s)

- ☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(ies), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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☐ Trustee
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☐ Other: _____

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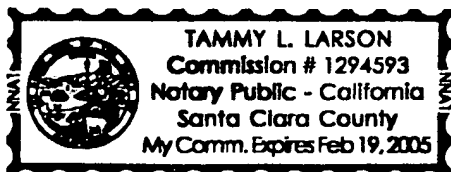
Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Ughetta del Balzo

Name(s) of Signer(s)

- ☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Tammy L. Larson
Signature of Notary Public

Place Notary Seal Above

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☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
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COPY

CALIF RNIA ALL-PURP SE ACKNOWLEDGMENT

State of California

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Date February 15, 2002

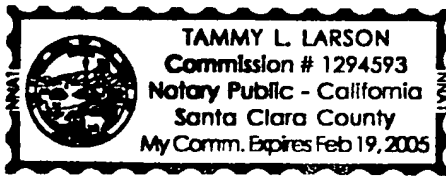
before me, Tammy L. Larson, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

Personally appeared Stephen Frederick Flaim

Name(s) of Signer(s)

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☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
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State of California

County of

Santa Clara

ss.

On February 15, 2002

Date

before me, Tammy L. Larson, Notary Public

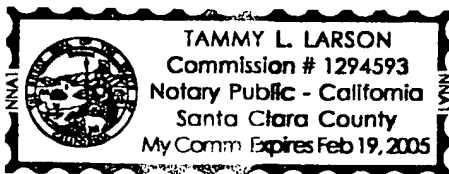
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Sekhar S. Boddupalli

Name(s) of Signer(s)

- ☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



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, before me, Tammy L. Larson, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Bing Wang

Name(s) of Signer(s)

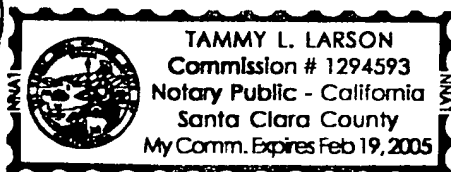
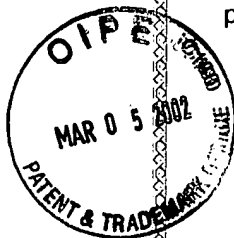
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OF SIGNER**

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